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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,490	06/09/2005	Hassane El Larhib	05071	7082
23338	7590	04/02/2009	EXAMINER	
DENNISON, SCHULTZ & MACDONALD			PALENIK, JEFFREY T	
1727 KING STREET				
SUITE 105			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			1615	
			MAIL DATE	DELIVERY MODE
			04/02/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10538490	6/9/2005	LARHRIB ET AL.	05071

EXAMINER

Jeffrey T.. Palenik

ART UNIT	PAPER
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1615 20090323

DATE MAILED:

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Commissioner for Patents

The Examiner acknowledges: a.) the cancellation of claims 1-62, and b.) claims 63 and 64 are still pending.

The timely submission under 37 CFR 1.129(a) filed on 29 December 2008 is not fully responsive to the prior Office action because of the following issues:

- At the time of the Requirement for Restriction, claims 63 and 64 were both directed to a composition and as Applicants' response, both claims are still pending,
- Applicants have amended their claims such that claims 63-82 are new and now pending,
- Claims 63 and 64 have been amended from composition to method claims without properly indicating the claim status (i.e. Currently Amended).

Further, and more critically regarding the changes to claims 63 and 64, claim 63 is interpreted by the Examiner as being drawn to a method for producing aerodynamic drug delivery particles, whereas the previous independent claim 43 was directed to a method for treating particles which are interpreted as already being in prepared, in order to elicit a change to a particular physical feature of said particles [emphases added].

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

/Jeffrey T. Palenik/
Examiner, Art Unit 1615

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615